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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JUAN BATISTA-MORA, an individual;
MANUEL BATISTA-ALABA, an individual;
SANTA DOLORES BLANCO-HERNANDEZ,
an individual,

Plaintiff,

vs.

FERNANDO SANCHO, an individual; EXCEL
LEASING, INC., a foreign corporation; DOES I
through V, inclusive; and ROE
CORPORATIONS I through V, inclusive
Defendants.

CASE NO.: 2:23-cv-01302

STIPULATION AND ~~(PROPOSED)~~
ORDER REGARDING RULE 35
MEDICAL EXAMINATION OF
PLAINTIFF

[FIRST REQUEST]

IT IS HEREBY STIPULATED AND AGREED between Plaintiff, JUAN BATISTA-MORA and SANTA DOLORES BLANCO-HERNANDEZ by and through their counsel of record, **VALIENTE MOTT, LTD.**, Defendants, FERNANDO SANCHO and EXCEL LEASING, INC., by and through their counsel of record, PERRY & WESTBROOK, that the following parameters concerning the Plaintiff's FRCP 35 Examination with Reynold L. Rimmoldi, MD, shall be imposed pursuant to the following:

1. The Examination of Plaintiff Juan Batista-Mora shall occur on January 15, 2024 at

1 10:00am, at Nevada Orthopedic and Spine Center located at 7455 W Washington Avenue,
2 Suite 160, Las Vegas, NV 89128. Plaintiff Juan Batista-Mora shall check in at 9:30 AM
3 and the Examination is scheduled to commence at 10:00 AM.

4 2. The Examination of Plaintiff Santa Dolores Blanco-Hernandez shall occur on January
5 10, 2024 at 10:00am, at Nevada Orthopedic and Spine Center located at 7455 W
6 Washington Avenue, Suite 160, Las Vegas, NV 89128. Plaintiff Santa Dolores Blanco-
7 Hernandez shall check in at 9:30 AM and the Examination is scheduled to commence
8 at 10:00 AM.

9 3. Any paperwork or forms that the Examiner expects Plaintiffs to fill out and/or sign at
10 the time of the Rule 35 medical examination, shall be submitted to Plaintiff's counsel
11 at least 15 days prior to the examination with the understanding that Plaintiffs will bring
12 their filled-out paperwork to the Examination.

13 4. The Examiner shall not ask any questions relating to the amount of money Plaintiff is
14 seeking.

15 5. The Examiner shall not contact Plaintiff before or after the Examination.

16 6. The Examiner may not engage in *ex parte* contact with Plaintiff's health care providers
17 or Plaintiff's experts about the Plaintiff.

18 7. Plaintiffs will not bring any medical records to the exam, as defense counsel may
19 provide these to the Examiner.

20 8. The Examiner shall not ask any questions which are not normally a part of a customary
21 medical examination (i.e., liability, potential monetary recovery, professional criticism,
22 Plaintiff's motivation for, or willingness to, pursue the claim, Plaintiff's
23 intentions/thoughts regarding potential monetary recovery, or past settlements). The
24 Plaintiff may provide an oral history of the accident that is the subject of this lawsuit
25 as it relates to his claimed injuries.

26 9. No blood work, x-rays, CT scans or MRIs shall be performed during the Examination
27 unless advance permission is sought and approved in writing.

28 10. No mental or psychological examinations of Plaintiff shall be allowed beyond those

issues that are related to the Plaintiff's physical injuries.

11. The Examination shall be conducted in a manner that is respectful to the Plaintiff. If the Examiner or examiner's staff subjects Plaintiff to any disruptive, upsetting, harassing, or embarrassing examinations, Plaintiff reserves the right to immediately terminate the examination and to file the appropriate motion with the Court. The designated examiner will not conduct any testing, diagnostic imaging, or procedures that are painful, protracted, intrusive, burdensome, or unreasonably invasive.
12. Plaintiffs will be permitted at least one comfort break every hour and a meal break if longer than three hours, although the examination will likely not exceed two hours.
13. Counsel for the parties, representatives from the parties' counsel's office, or representatives or observers by or on behalf of counsel or the parties shall be expressly prohibited from attending, participating in, or observing any portion of the Examination.
14. If anyone besides Plaintiff and the Examiner will be in the Examination room, for example, an examiner's assistant or staff member, Defense Counsel will provide Plaintiff's Counsel with the names of any such persons four (4) judicial days prior to the Examination, and Plaintiff's Counsel reserves the right to object to their presence.
15. Defense Counsel shall provide the Examiner with a copy of these terms and advise the Examiner that the examination is contingent on the Examiner adhering to each rule.
16. The Examiner will accurately report his test results and findings.
17. Plaintiff shall not be required nor asked to wait an unreasonable amount of time in any room, lobby, reception, or other area prior to the commencement of the Examination, during the Examination, or at the end of the Examination.
18. Plaintiff is entitled to have an observer of choice present throughout the examination, including, without limitation, friend or family member, and to audio record the entirety of the examination, pursuant to AB244 and NRS 629 with a small handheld recording device.

1 19. Plaintiff expressly reserves any and all rights he has to challenge and/or object to
2 Defendants' experts, including, but not limited to, their opinions, qualifications, and/or
3 testimony, whether such challenges arise under statute, rule, case law, or
4 otherwise. This Stipulation shall not be construed as Plaintiff waiving any challenges
5 or objections to Defendants' expert(s), their opinions, qualifications, admissibility, or
6 assistance, whatsoever.

7 **IT IS SO STIPULATED**

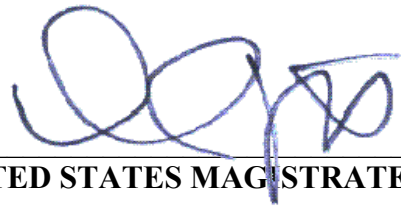
8 DATED this 19th day of December, 2023.
9 **VALIENTE MOTT, LTD**

DATED this 19th day of December, 2023.
PERRY & WESTBROOK

10 By: /s/ Peter Petersen
11 Peter Petersen, Esq.
12 Nevada Bar No. 14256
13 700 S 7th Street
14 Las Vegas, Nevada 89101
15 Attorney for Plaintiffs

By: /s/ Alan W. Westbrook
Alan W. Westbrook, Esq.
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11500 S Eastern Avenue, Suite 140
Las Vegas, NV 89052
Attorney for Defendants

16 **IT IS SO ORDERED:**

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UNITED STATES MAGISTRATE JUDGE

19 DATED: 12/20/23
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